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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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MAR 21 2005

Federal Communications Commission  
Office of Secretary

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| In the Matter of                               | ) |                     |
|  | ) |                     |
| Amendment of Section 73.202(b)                 | ) |                     |
| Table of Allotments,                           | ) | MB Docket No. 04-17 |
| FM Broadcast Stations.                         | ) | RM-11113            |
| (Connersville, Madison, and Richmond, Indiana, | ) | RM-11114            |
| Erlanger and Lebanon, Kentucky, and Norwood,   | ) |                     |
| Ohio; and Lebanon, Lebanon Junction, New       | ) |                     |
| Haven, and Springfield, Kentucky)              | ) |                     |

To: Office of the Secretary, for delivery to  
The Assistant Chief, Audio Division, Media Bureau

**RESPONSE TO ORDER TO SHOW CAUSE**

Blue Chip Broadcasting Licenses II, Ltd. ("BCBL II"), licensee of WIZF(FM), Channel 265A, Erlanger, Kentucky, by its attorneys, hereby responds as directed to the show cause aspect of the *Notice of Proposed Rulemaking and Order to Show Cause* in the captioned proceeding, DA 05-74 (Jan. 28, 2005) (the "OSC"). The OSC, issued in connection with the Commission's proposal to amend the FM Table of Allotments for several communities in Ohio, Kentucky and Indiana, directs BCBL II to show cause why its license for WIZF(FM) should not be modified to specify operation on Channel 266A (101.1 MHz) in lieu of its existing Channel 265A (100.9 MHz). As shown below, the OSC's proposal inadequately accounts for the consumer displacement and confusion that will unavoidably result from a change in WIZF's established frequency. Such displacement and confusion disserves the expectations of listeners and therefore disserves the public interest, and thus BCBL II opposes the OSC.

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Station WIZF, known to its listeners as “100.9 the WIZ,” has been operating on Channel 265A for decades, since 1965. From the beginning, WIZF has been committed to serving Erlanger, Kentucky and surrounding areas as a trusted and valued source of news, information, and music. WIZF’s entrenched listenership remains committed to the station because of its high quality programming and its community involvement. Over time the station has developed a marked community presence through activities and programs such as the “WIZ Kid of the Week,” where a tri-state elementary junior or senior high school student is honored weekly for academic excellence, community service, good citizenship and good attendance; the “Wiz Worms,” a program where station personalities and staff visit local daycare centers, elementary schools and community centers to encourage reading by today’s youth; and a bowling tournament where half of a \$4000 pot is donated to the winner’s charity of choice.

WIZF’s profile and presence in the community is manifested in the station’s popularity among listeners. Based on Fall 2004 Arbitron ratings, WIZF is the sixth-rated radio station, with a 5.4 share, among listeners 12+ in the Cincinnati, Ohio metro market (population 26 million). It is the third-rated station among listeners in its 18-34 target demographic. This amounts to a station listenership well in excess of one million people.

Thus, WIZF—like many other established large and medium market radio stations—has a unique identity and FM band position to which a large and loyal base of listeners is bound. The dry, technical language of the *OSC* is inadequate to convey either the displacement and confusion that results from any disruption of that bond, or the cost necessary to repair that displacement and confusion. BCBL II’s parent company, Radio One, Inc. (“Radio One”), knows this from hard experience. Nearly five years ago, Radio One acquired a radio station in what amounted to a “stick exchange” with a third party, as a result of which Radio One retained the

call sign, format and intellectual property acquired from the third party and reassociated them with another technical facility and frequency assignment in the market. Five years later, Radio One is still struggling to repair the listener displacement and confusion. Despite a multi-million dollar marketing campaign involving the use of billboards and TV spots to alert the public about its station's new dial position, uncertainty among listeners about where the station can be found persists five years later. The resulting harm to the station has transcended the tangible costs of the repositioning, or even the diversion of staff resources in communicating with confused listeners and weathering their negative reactions. The problem has also manifested itself in the ratings process. Diarykeepers have reported hearing Radio One's programming on the station's "old" frequency, which Radio One neither owns nor programs. The result has been a potentially incalculable underreporting of listenership, which obviously impacts the station's bottom line directly.

Radio One is aware that the proponents of the allotment changes advanced in the *OSC* are required, and have pledged, to reimburse BCBL II for the "reasonable costs" associated with WIZF(FM)'s change in frequency.<sup>1</sup> But Radio One is unconvinced that the *Circleville* reimbursement policy, established 38 years ago, properly accounts for the immensely heavier tangible and intangible costs that result from displacement of an established medium or large market station in the modern radio industry. Because the *OSC* and the *Circleville* reimbursement policy inadequately address the unquantifiable impact of the loss of identity, ratings impact and public confusion and mistrust that would result from a change in WIZF's frequency, Radio One cannot—and the Commission should not—conclude that such a frequency change serves the overall public interest. Accordingly, BCBL II is constrained to oppose the *OSC*.

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<sup>1</sup> *OSC*, ¶ 4 & n.8 (citing *Circleville, Ohio*, 8 F.C.C.2d 159 (1967)).

Respectfully submitted,

**BLUE CHIP BROADCASTING  
LICENSES II, LTD.**

By:  \_\_\_\_\_

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March 21, 2005

**CERTIFICATE OF SERVICE**

I, Claudia L. Cartagena, a secretary in the law firm of Wiley Rein & Fielding LLP, hereby certify that on this 21<sup>st</sup> day of March, 2005, I caused copies of the foregoing **“Response to Order to Show Cause”** to be mailed via first-class postage prepaid mail to the following:

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